



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2400201

Applicant Name : Chris Van Vick

Address of Proposal: 2346 44th Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three (3) lots (Unit Lot Subdivision). Proposed lot sizes are: A) 3,433 square feet, B) 1,164 square feet; and C) 1,153 square feet. Related project: establish use, add a second story unit to the existing single family residence and construct one (1) two-unit townhouse structure, MUP No. 2303474.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into three lots, a unit subdivision.
(Chapter 23.24.046, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND

Site and Vicinity Description

The approximately 5,750 square foot property is the second lot north of SW Admiral Way on the east side of 44th Avenue SW and is in the Admiral District of West Seattle. Pedestrian and vehicle access to the site is from 44th Avenue SW and the north to south alley to the east of the site.

The subject lot is zoned Lowrise 2 (L2), as are the lots on this block face extending to the north. The lot to the south at the intersection of SW Admiral Way and the other lots surrounding this intersection are zoned L3. The facing block face on 44th Avenue SW is zoned Single Family 5000 (SF 5000). To the east across the alley, the zoning is Neighborhood Commercial 2-40 (NC2-40); these lots face on California Avenue SW.

Proposal

The proposal is to subdivide one lot into three (3) unit lots. The parent lot is 5,750 square feet in area. The proposed lot sizes are: A) 3,433 square feet, B) 1,164 square feet; and C) 1,153 square feet. Vehicle access for proposed Unit Lots B and C will be from the alley. Vehicle and pedestrian access for the proposed Units Lot comprising the former single-family structure will be from 44th Avenue SW. A joint pedestrian access easement extending from 44th Avenue SW along the north side of proposed Unit Lot A is provided for the benefit of proposed Unit Lots B and C. The new structures containing proposed Unit Lots B and C have been reviewed and approved for applicable code compliance under MUP No. 2303474.

Public Comments

The comment period for this proposal ended on February 25, 2004. No comment letters were received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities, City Light; and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned Multi-Family Lowrise 2 (L-2) and all development must conform to the requirements of the applicable provisions of the Seattle Municipal Code (SMC). These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. The establishment of use for the townhouses and their construction was reviewed under these provisions, approved, and permitted under MUP No. 2303474.

The allowable density of the subject property is one dwelling unit per twelve-hundred (1,200) square feet of lot area. The lot area is approximately 5,750 square feet, hence five (5) townhouse units are allowed. Maximum lot coverage is fifty (50) percent for townhouse units and forty (40) percent for all other types of units, such as the duplex on proposed Unit Lot A (SMC 23.45.010.A.1). Total lot coverage of the proposed townhouse and duplex structure were reviewed for conformance with this requirement and approved under MUP No. 2303474. Required parking for all units is provided on site and is accessed from 44th Avenue SW for proposed Unit Lot A and from the alley for proposed Unit Lots B and C. Pedestrian access to all units is as described in *Site and Vicinity Description* above. Building set-backs, height limitations, and the provision of open space were reviewed for conformance to the development codes for this zone and were approved under the above-mentioned MUP.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicle access for all units is provided as described in *Criterion 1* above.

All utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#240311-3-012) to provide for electrical facilities and service to the proposed lots, which must be included on the final plat. (Attachment A)

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for the provision of adequate emergency vehicle and personnel access.

All proposed Unit Lots will be addressed from 44th Avenue SW. To assure adequate address identification of proposed Unit Lots B and C, address signage for these Unit Lots shall be posted at a location visible from 44th Avenue SW on or near the proposed pedestrian access easement. A covenant shall be recorded with the final plat to ensure that the address signage is maintained by all users.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates these services are adequately provided for this unit lot subdivision.

Seattle Public Utilities has reviewed this proposal and assures water availability access for all parcels. A minimum five (5) foot easement for access is required for proposed Unit Lots B and C across proposed Unit Lot A. Unit Lot A can obtain access directly from the right of way (See Water Availability Certificate # 2004-0099) (Attachment B).

4. *Whether the public use and interests are served by permitting the proposed division of land;*

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures and residential cluster developments amongst other housing types. Ground related townhouse structures are allowed outright in the L-2 zone as is the duplex structure on proposed Unit Lot A. This process therefore makes possible separate ownership of individual units that otherwise would be owned by one party and consequently some or all unit lots would be available on a shared ownership or rental basis only.

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code for L-2 development regulations and the applicable approval criteria for short platting.

The public use and interests are thereby served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240, therefore this criterion does not apply.

6. *Is designed to maximize the retention of existing trees;*

There are no existing trees on the lot. As a part of approval for the construction of the townhouse and duplex structures (MUP 2303474) SMC 23.45.015 required the planting of a minimum of 2 caliper inches of tree for each 1,000 square feet of lot area. For this 5,750 square foot lot the required caliper inches of trees will be 11.5 inches.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

One townhouse structure and the expansion of a single-family structure to a duplex were approved under MUP 2303474. Pursuant to SMC 23.24.045(A and B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards at the time of approval. To assure that future owners have constructive notice that additional development

may be limited due to nonconformities the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited because of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

Summary

The proposed Unit Lot Subdivision meets the criteria of SMC 23.24.040 and 045, Short Plats and Unit Lot Subdivisions. Pursuant to the above discussion and the following conditions, it is thereby approved.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Submit the corrected final recording forms for approval and any necessary fees.
2. Insert the following on the face of the plat: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”
3. Include the attached utility easement from Seattle City Light on the face of the plat and in the legal descriptions of effected Unit Lots.
4. Include the utility easement on the face of the plat as described in Water Availability Certificate 2004-0099 and in the legal descriptions of effected Unit Lots.
5. Include the corrections from the Applicant Services Center- Addressing and listed in Attachment C below to the recording documents. Also, add all dimensions described in the pedestrian and utility easement language to the face of the plat.
6. Provide a covenant or easement assuring the posting of address signage for Unit Lots B and C on or near the pedestrian access easement shown on the face of the plat or other convenient and appropriate location visible from the street.

7. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and integrated building elements, such as roofs, exterior walls and shared private utility infrastructure.

Signature: (signature on file) Date: May 27, 2004

Art Pederson, Land Use Planner
Department of Planning and Development
Land Use Services

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